

WEST VIRGINIA INFORMATIONAL LETTER  
INSURANCE COMMISSIONER

No. 2-A  
June, 1979

STANDARD POLICY PROVISIONS - UNINSURED MOTORIST INSURANCE

House Bill 1351, enrolled and enacted into law March 10, 1979, and effective July 1, 1979, amends Chapter 33, Article 6, Section 31, and introduces Chapter 33, Article 6, Section 31a, of the Code of West Virginia of 1931, as amended. House Bill 1351 also amends Chapter 17D, Article 3, Section 5, and Chapter 17D, Article 4, Sections 2, 7, 12, and 16, of the Code of West Virginia of 1931, as amended.

In order to meet the requirements of Chapter 17D, Article 3, all policies of motor vehicle liability insurance must provide as of July 1, 1979, minimum limits of liability of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, a limit of ten thousand dollars because of injury to or destruction of property of others in any one accident. Insurers may provide such additional coverage by endorsement mailed to the insured stating the reason for the change, with an assessment not more than the additional premium computed on a pro-rata basis for the period from July 1, 1979, to the renewal date of the policy. Alternatively, the additional coverage may be provided by interpretation of existing policy limits by the insurer, with the insurer making SR-22 filings and settling losses according to the new minimum limits. Insurers are reminded that, whatever procedure selected, implementation must not affect policyholders in any unfairly discriminatory manner.

Chapter 33, Article 6, Section 31, Subsection (b), of said Code requires that every motor vehicle liability insurance policy or contract defined in Chapter 33, Article 6, Section 31, Subsection (a), of said Code and issued on or after July 1, 1979, shall provide the option to the insured to purchase uninsured, motorists coverage up to an amount of one hundred thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of fifty thousand dollars because of injury to or destruction of property of others in any one accident: provided, however, that such policy or contract may exclude the first three hundred dollars of property damage. Each insurer shall make available such limits of uninsured motorists coverage, in addition to the aforementioned limits and limits equal to the minimum financial responsibility limits effective July 1, 1979, as it offers for limits of bodily injury and property damage liability. Such limits of uninsured motorists coverage shall, however, be available regardless of the limits of bodily injury and property damage liability coverage afforded the insured.

Chapter 33, Article 6, Section 31, of said Code does not prohibit insurers from offering a variety of options to consumers. However, all uninsured motorists coverage policies must be no more restrictive than the standard policy provisions set forth in Informational Letter No. 2.

Chapter 33, Article 6, Section 31a, of said Code provides that the rates for optional limits of uninsured motorists coverage shall be displayed in the agents and company manuals separate from the rates for the minimum limits of uninsured motorists coverage required under Chapter 33, Article 6, Section 31, of said Code. Agents and company personnel are strongly encouraged to inform insureds and prospective insureds of the availability of, and rates for, the various optional limits of uninsured motorists coverage.

Richard G. Shaw  
Insurance Commissioner